CWP No. 458 of 2004

14.11.2007. Present: Mr.Surender Sharma, counsel for the petitioners.
Mr.M.S. Chandel, Advocate General, with Mr.R.M. Bisht, Dy.A.G., for respondents No.1 to 3.

The petitioner, by means of this writ petition, has prayed for quashing of Annexures P-I, P-M and P-N and has also prayed that the respondents No.1 and 2 be directed to consider the case of petitioner No.1 Trust for the grant of lease of the land comprised in Khasra No.97/3, measuring 3-25-59 hectares, situated in Village Bhadroa, Tehsil Nurpur, District Kangra, H.P. It has also been prayed that this land may not be leased out to respondent No.4.

It transpired that during the pendency of the petition, a large portion of the land, which is the subject matter of the writ petition, has been acquired by the Ministry of Shipping Road Transport and Highways vide notification dated 31st May, 2005 for widening of National Highway No.1-A. According to the petitioner, land measuring 1-80-24 hectares has been acquired and only 1-93-60 hectares of land remains on the spot. The stand of the State is that there is no proposal to lease out the land to the petitioner or to respondent No.4.

Keeping in view the aforesaid facts, we feel that nothing survives in the writ petition. The writ petition is disposed of accordingly. However, in view of the changed circumstances, the petitioner shall be at liberty to apply to the State for the grant of lease of the land required by it for parking of vehicles. The said application shall be examined by the concerned authorities strictly in accordance with the provisions of law and speaking order shall be passed thereupon. In case the

petitioner files application by 31st of December, 2007, the decision thereon shall positively be taken by 31st March, 2008. In case the petitioner does not apply by the said date, his application shall not be considered.

The writ petition stands disposed of accordingly.

CMP No.901 of 2004:

In view of the final disposal of the main writ petition, this application also stands disposed of.

(Deepak Gupta), J.

November 14, 2007. **(V.K. Ahuja), J.**
(TILAK)